

AGRICULTURAL LABOR RELATIONS ACT
Employer Questions & Answers
Access

What is Access Under the ALRA?

“Access” means allowing union organizers on your work site to meet with your agricultural workers.

There are 4 types of access:

- Prior to an ALRB election (organizational access);
- Following and election (post-election access);
- During a labor dispute (strike access); and,
- After the employees have elected a union which the ALRB has certified (post-certification access).

What is Organizational Access?

Union organizers have a right of access to your property prior to an election for the purpose of meeting with employees and soliciting their support for an upcoming election.

Who Can Qualify for the Right to Take Organizational Access?

Any non-employee, individual or union, who seeks to represent the employees of a particular employer for purposes of collective bargaining who properly files a Notice of Intent to Take Access (the N/A) with the appropriate ALRB Regional Office.

When Can Organizational Access be Taken?

Organizers can take access for up to one hour prior to the start of work, one hour after work, and for a single mid-day period, not to exceed one hour, while employees are having lunch.

How Many Organizers Can Take Access at Any One Time?

Two organizers are permitted to meet with each crew of 30 workers.

If there are more than 30 workers in a crew, there can be one more organizer for each additional 15 workers.

Are There Any Agricultural Operations Where Organizational Access is Subject to Special Limitations or Other Considerations?

Yes. Special provisions apply to dairy, poultry, egg, nursery and floral operations where there is a possibility that outsiders could contaminate certain facilities, interfere with operations, cause stress to animals or transmit disease.

Am I Required to Provide Access Immediately Following an Election?

Yes. Parties to the election may take work site access for up to 5 days following the election and up to 10 days following the filing of election objections.

Am I Required to Provide Access After a Union Has Been Certified by the ALRB?

Yes, under limited circumstances. A union certified by the Board to represent your employees has the right to seek an agreement allowing union representatives to take work site access in order to discuss bargaining proposals with your employees and keep them apprised of the status of contract negotiations.

If the parties cannot reach agreement, the union may take access at reasonable times and places if necessary to fulfill its duties as exclusive bargaining representative.

Do I Have to Allow a Union Access to My Property When There is a Strike and I Have Hired Replacement Workers?

Yes. Strike access is available only to a certified union when picketing is not an effective means, and there are no other effective means, of communicating with non-striking workers.

Access will be limited to one union representative for every 15 workers for up to one hour when employees are actually taking lunch.

Can I Deny Access?

Yes. You can deny organizational access where the union has failed to file an N/A.

You can deny all types of access where organizers fail to identify themselves or wear identification, or where they exceed the time and number limitations of the access regulation.

Access may also be denied if organizers disrupt your property or operations, injure crops or machinery, or interfere with the orderly process of boarding buses.

THE MISSION OF THE ALRB

THE AGRICULTURAL LABOR RELATIONS ACT (ALRA OR ACT) WAS ENACTED FOR THE PURPOSE OF PROVIDING A PROCESS FOR THE PEACEFUL AND ORDERLY RESOLUTION OF AGRICULTURAL LABOR DISPUTES. THE ALRB BELIEVES THAT THE RESOLUTION OF DISPUTES AT THE EARLIEST STAGES BEST SERVES BOTH LABOR AND GROWERS.

OFFICES

AGRICULTURAL LABOR RELATIONS BOARD

REMEMBER, THE ALRB IS ONLY A PHONE CALL AWAY

1-800-449-3699

Please call for answers to your specific questions, or for additional brochures.

EL CENTRO

319 South Waterman Avenue
El Centro, CA 92243-2215
Phone (760) 353-2130
Fax (760) 353-2443

SALINAS

1880 North Main Street, Suite 200
Salinas, CA 93906-2039
Phone (831) 443-3161
Fax (831) 443-3225

VISALIA

711 North Court Street, Suite H
Visalia, CA 93291-3638
Phone (559) 627-0995
Fax (559) 627-0985

ALRB HEADQUARTERS

The main offices of the
Board and the General Counsel
are located at:
915 CAPITOL MALL, 3d Floor
SACRAMENTO, CA 95814
Phone (916) 653-2690
Fax (916) 653-2743

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